

REMARKS

Reconsideration of the present application, in view of the arguments presented herein, is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1-26 are pending in this application. Claims 10-26 have been canceled herewith without prejudice.

II. CLAIM OBJECTIONS

Claim 7 was objected to based upon the term "phosphorate" on the grounds that it is unclear to the Examiner whether the use of this term was intentional or merely a spelling mistake.

In response, Applicants note that the term "phosphorate" as recited in claim 7 is set forth correctly in this claim as known by one skilled in the art. Accordingly, it is respectfully submitted that correction of this term in claim 7 is not required.

III. 35 U.S.C. 102(b) and (e) REJECTIONS

Claims 1-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication No. US 20020115022 to Messick et al. ("the Messick publication").

Claims 1-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,517,106 to Hopkins ("the Hopkins patent").

Claims 1-6 and 8-9 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0029395A1 to Zhang et al. ("the Zhang patent")

Claims 1-9 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,506,806 to Taylor et al. ("the Taylor patent").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (See MPEP 2133, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

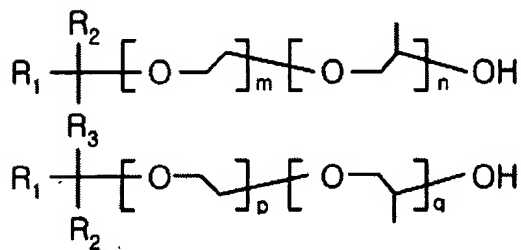
In response, Messick, Hopkins, Zhang and Taylor each fail to teach or suggest all of the features recited in claim 1 of the presently claimed invention.

Claim 1 reads as follows:

A cleaning solution comprising:

deionized water; and

a surfactant represented by the following formula:



wherein R₁ and R₃ are carbides or fluorocarbons having 1 to 20 carbons, R₂ is hydrogen or carbide, m+p is an integer ranging from 1 to 30, n+q is an integer ranging from 0 to 10.

Messick, Hopkins, Zhang and Taylor each at the very least fail to teach or suggest a cleaning solution which includes a surfactant having the same specific chemical

formula as recited in claim 1. For instance, Messick, Hopkins, Zhang and Taylor each at the very least fail to teach or suggest a surfactant represented by a chemical formula which includes $[\text{CH}(\text{CH}_3)\text{CH}_2\text{O}]_n[\text{CH}_2\text{CH}_2\text{O}]_m$ and $[\text{CH}(\text{CH}_3)\text{CH}_2\text{O}]_q[\text{CH}_2\text{CH}_2\text{O}]_p$ connected to each of two OH functional groups as recited in claim 1.

Accordingly, for at least the reasons set forth above, Messick, Hopkins, Zhang and Taylor each fail to teach or suggest a cleaning solution which includes a surfactant having the same specific chemical formula as recited in claim 1, and thus each of these references fails to anticipate this claim.

Moreover, it would not have been obvious to one skilled in the art to modify the surfactants of Messick, Hopkins, Zhang and/or Taylor references in order to provide a cleaning solution with a surfactant with the same specific chemical formula as recited in claim 1 for at least the reasons set forth below. For one, it is a well established fact in the field of U.S. patent law that the chemical art is an unpredictable art. (**See In re Marzocchi, 439 F.2d 220, 223-24, 169 USPQ 367, 368-70 (CCPA 1971) and 2164.03 of the MPEP**) Even the slightest change in a compound may alter its chemical properties and reactive properties. Therefore, due to the unpredictability of chemical compounds and chemical reactions, it would not have been obvious to one skilled in the art to provide the specific surfactant recited in claim 1 with a reasonable expectation of success. In addition, the teachings of Messick, Hopkins, Zhang and Taylor each also fail to provide sufficient motivation to one skilled in the art to modify any of the surfactants of these cited references for arriving at the specific surfactant recited in claim 1. Pursuant to U.S. patent law, in order to modify a reference, there must be some teaching in the art regarding the desirability of doing so. (See **MPEP 2143.01**) However, the Messick, Hopkins, Zhang and Taylor references each fail to provide such a desirability or teaching. Rather, the Messick, Hopkins, Zhang and Taylor references simply provide a voluminous laundry list of possible surfactants to prepare, without any hint or suggestion as to the desirability of choosing a surfactant having the same specific chemical formula, as the surfactant recited in claim 1.

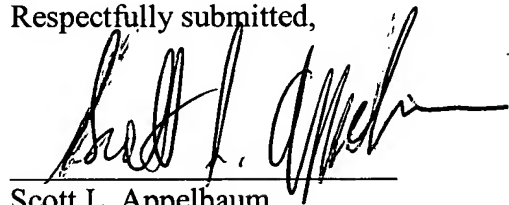
For the reasons set forth above, withdrawal of the rejection to claim 1 is respectfully requested. As claims 2 and 4-9, depend from and incorporate all of the limitations of claim 1, withdrawal of the rejection to these dependent claims is likewise requested.

IV. CONCLUSION:

In summary, applicant respectfully submits that the instant application is in condition for allowance. Early notice to that end is earnestly solicited.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicant requests that the undersigned be contacted at the number below.

Respectfully submitted,



Scott L. Appelbaum
Reg. No. 41,587
Attorney for Applicant

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, NY 11797
Tel: (516) 692-8888
Fax: (516) 692-8889